

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 21145 Permit 14155 License 11039

**ORDER CORRECTING  
DESCRIPTION OF PLACE OF USE  
AND AMENDING LICENSE**

**WHEREAS:**

1. License 11039 was issued to Surfwood Mutual Water Corporation and recorded with the County Recorder of Mendocino County on Book 1260, Page 531 on May 30, 1980.
2. A request to correct the description of the place of use under said license has been filed with the State Water Resources Control Board (SWRCB).
3. Two parcels within the permitted place of use which had received service from the Surfwood Mutual Water Corporation were omitted from the place of use description contained in License 11039. The two parcels should be added to the place of use.
4. The SWRCB has determined that said correction in the description of the place of use will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.
5. License condition pertaining to the continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The place of use under License 11039 be described as follows:  
  
Surfwood Subdivision, Units 1, 2 & 3, located within N $\frac{1}{2}$  of Section 19, T17N, R17W, MDB&M; APN 118-290-66, located within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 19, T17N, R17W, MDB&M; and APN 118-320-05 located within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 19, T17N, R17W, MDB&M; as shown on a map on file with the SWRCB.

(0000004)

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2. The license condition pertaining to the continuing authority of the SWRCB be amended as follows:

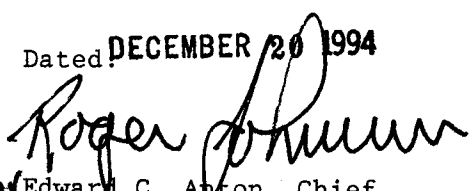
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: DECEMBER 20 1994

  
for Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 21145

PERMIT 14155

LICENSE 11039

THIS IS TO CERTIFY, That

SURFWOOD MUTUAL WATER CORPORATION  
P. O. BOX 166, MENDOCINO, CALIFORNIA 95460

HAS *made proof as of* SEPTEMBER 20, 1978 *(the date of inspection)*  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
JACK PETERS GULCH IN MENDOCINO COUNTY

tributary to PACIFIC OCEAN

for the purpose of DOMESTIC, RECREATIONAL AND FIRE PROTECTION USES  
under Permit 14155 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from JANUARY 30, 1963 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed TWENTY-NINE THOUSANDTHS (.029) CUBIC FOOT PER SECOND, TO  
BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT  
DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 10.2 ACRE-Feet PER YEAR.

LICENSEE MAY INCREASE HIS RATE OF DIVERSION TO A MAXIMUM OF 0.067 CUBIC FOOT PER  
SECOND, PROVIDED THAT THE TOTAL QUANTITY DIVERTED IN ANY 7-DAY PERIOD DOES NOT  
EXCEED 0.40 ACRE-Feet.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 750 FEET AND WEST 600 FEET FROM W1/4 CORNER OF SECTION 20, T17N, R17W,  
MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SECTION 19, T17N, R17W, MDB&M.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

SURFWOOD SUBDIVISION, UNITS 1, 2 & 3 WITHIN N1/2 OF SECTION 19, T17N, R17W,  
MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: 5 MAY 27 1980

STATE WATER RESOURCES CONTROL BOARD

*L. C. Spencer, for*  
Chief, Division of Water Rights